

PROVIDING FOR THE PRESERVATION OF HISTORICAL AND
ARCHEOLOGICAL DATA (INCLUDING RELICS AND SPECIMENS)
WHICH MIGHT OTHERWISE BE LOST AS THE RESULT OF THE
CONSTRUCTION OF A DAM

MARCH 15, 1960.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. ROGERS of Texas, from the Committee on Interior and Insular
Affairs, submitted the following

R E P O R T

[To accompany S. 1185]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

An identical bill (H.R. 5685) was introduced in the House by Mr. Moulder, of Missouri, and this bill was considered by the committee along with the Senate-passed bill.

PURPOSE

The act of August 21, 1935, which is referred to as the Historic Sites Act, provides a program to preserve historical and archeological data threatened by construction of dams and other public works. The purpose of S. 1185 is to place this salvage program, so far as it relates to the construction of dams, on a firmer basis by establishing definite procedures for coordination of archeological investigations and salvage operations with the planning and construction of dams by Federal agencies or under permits granted by Federal agencies.

COST

This legislation is not expected to result in any appreciable increase in the annual cost of this program which is already being carried on under the 1935 act. A portion of the cost of the program is borne by private corporations, particularly licensees of the Federal Power Commission.

DISCUSSION

The bill requires written notice to the Secretary of the Interior with respect to any planned construction of a dam. It establishes a procedure whereby the archeological and historical salvage will be performed in advance of construction activities. It gives specific authority for a number of things which are presently being done through rather free interpretation of the Historic Sites Act. It requires the Secretary of the Interior to do certain things which are only discretionary at the present time. In summary, it gives the salvage program definite legal standing and sets out clearly the responsibilities of everyone concerned.

The Department of the Army states, in its report on the legislation, that insofar as the responsibilities of the Department of the Army are concerned the basic purposes of the legislation are being accomplished under existing law. While this may be true in connection with the Army's program, the legislation is needed in connection with other Federal construction programs and especially in connection with private construction under Federal, State, or municipal licenses where the costs of salvage operations are borne by private corporations. For example, investigations and salvage operations could be carried on much more efficiently if funds for such purposes could be transferred to the National Park Service and authority given the Park Service to contract with qualified institutions or museums for the works; yet, at the present time, the National Park Service is not authorized to accept and utilize funds for salvage purposes which are made available by a construction agency or corporation. There are areas where there is no qualified local museum or university to do the work and this makes it particularly difficult for a construction agency or corporation to make arrangements for necessary salvage without going through the Park Service. This is one of the problems which this legislation would resolve.

REPORTS OF EXECUTIVE DEPARTMENTS

Reports of the Department of the Interior and the Department of the Army on this legislation follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 26, 1959.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. ASPINALL: Your committee has requested a report on H.R. 5685, a bill to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

We recommend the enactment of H.R. 5685.

This bill has as its object the preservation of historical and archeological data which might otherwise be lost as a result of flooding caused by the construction of a dam by any agency of the United States or by any private person or corporation holding a license issued by any such agency. It is assumed that this language would be sufficient to include State and municipal licensees. They provide for coordination between agencies which is a desirable feature.

With the increased industrialization and greater Federal activity in construction of large-scale multipurpose water control projects, the problem of salvaging and preserving archeological and historical antiquities of national significance in advance of destruction becomes ever more critical. The bill emphasizes the point that the necessary archeological and historical salvage should be performed in advance of such construction activities, and it reflects a growing public awareness of their increasing loss of this national heritage through such Federal and private activities.

The losses in two reservoirs—one at Fort Randall, S. Dak.; and the other the Buford Reservoir in Georgia—can be cited as classic examples. In both of these areas important prehistoric sites were lost, including sites recommended for excavation by the Smithsonian Institution.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

DEPARTMENT OF THE ARMY,
Washington, D.C., June 9, 1959.

Hon. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H.R. 5685, 86th Congress, a bill to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

This bill provides essentially for coordination of archeological investigations and salvage operations with advance planning and construction of dams by Federal agencies or under permits granted by Federal agencies. The bill requires written notice to the Secretary of the Interior of the site of the dam and reservoir in advance of its construction and provides for archeological investigations and surveys by the Secretary in the project area, coordination of such work with the functions of the construction agency, performance of archeological removal and salvage operations, cooperation with other agencies and individuals in the process, procurement of services of others, and authorization of Federal funds for the purposes stated.

A program embodying all of the purposes and objectives of this bill relating to dams constructed by the Corps of Engineers has been in effect for many years in accordance with the provisions of the Historic Sites Act of August 21, 1935 (49 Stat. 666). Archeological investigations and preservation of historic sites are primary functions of the National Park Service. The Historic Sites Act authorizes the Secretary of the Interior, through the National Park Service, and with the assistance of any Federal, State, or municipal agency, or any educational or scientific institution or patriotic association, or individual, to preserve for public use historic and archeological sites and objects of national significance. The act also authorizes the appropriation of funds to the National Park Service for that purpose.

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The Corps of Engineers supplies interested agencies with project planning and construction information as a basis for the planning of their programs, and cooperates to the fullest extent in carrying out such work to assure that lands acquired by the Corps of Engineers for its project works are made available and the longest practicable period of time is provided for excavation of archeological remains and removal of historic objects prior to inundation of reservoir areas, and to prevent interference therewith by project construction activities wherever possible.

It is believed that the basic purposes of this proposed legislation are already being accomplished under existing law insofar as the responsibilities of the Department of the Army are concerned.

The Department of the Army has no information as to the fiscal effect of this bill. It is assumed that provision for financing work authorized by the bill would be through appropriations for the National Park Service of the Department of the Interior.

The Bureau of the Budget advised that there would be no objection to the submission of a similar report on a similar bill, S. 575.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

COMMITTEE'S RECOMMENDATION

The House Committee on Interior and Insular Affairs concludes that this additional authority to supplement the Historic Sites Act of 1935 is needed and, therefore, recommends that S. 1185 be enacted.

